

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ELIJAH JEMISON,  
Plaintiff,

Case No. 1:24-cv-197  
Cole, J.  
Litkovitz, M.J.

vs.

RODNEY MCMULLEN, *et al.*,  
Defendants.

**REPORT AND RECOMMENDATION**

On April 25, 2024, the Court granted plaintiff's motion for leave to proceed *in forma pauperis* and ordered plaintiff, within thirty days of the date of that Order, to submit a completed summons form, U.S. Marshal form, and a copy of his complaint for service on defendants Rodney McMullen, Kroger Company, and Clay Richards. (Doc. 4). To assist plaintiff in proceeding pro se, the Court also directed the Clerk of Court to provide plaintiff with instructions for completing the necessary service forms. (*Id.*). After plaintiff failed to provide the necessary service forms or otherwise take action, the Court issued an Order for plaintiff to show cause no later than June 29, 2024, why this case should not be dismissed for lack of prosecution. (Doc. 6). Plaintiff has failed to do so.

A pro se litigant has an affirmative duty to diligently pursue the prosecution of his cause of action, *see Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991), as well as a duty to supply the Court with notice of any and all changes in his address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at \*1 (6th Cir. May 2, 1994) (citing *Pena v. Seguros La Commercial, S.A.*, 770 F.2d 811, 815 (9th Cir. 1985)). "Federal courts possess certain 'inherent powers . . . to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107 (2017) (quoting *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962)). Plaintiff's failure to respond to the Order to show cause (Doc. 6)

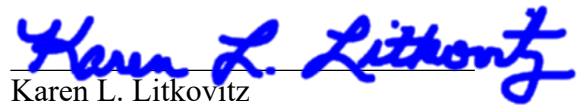
warrants exercise of the Court's inherent power and dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute this matter. *See Link*, 370 U.S. at 630-31; *Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991).

**IT IS THEREFORE RECOMMENDED THAT:**

Plaintiff's case be **DISMISSED** with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

7/12/2024

Date



Karen L. Litkovitz  
United States Magistrate Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DENNIS ELIJAH JEMISON,  
Plaintiff,

Case No. 1:24-cv-197  
Cole, J.  
Litkovitz, M.J.

v.

RODNEY MCMULLEN, *et al.*,  
Defendants.

**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).